

1 AMENDMENT TO HOUSE BILL 1373

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1373 as follows:

3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Code of Criminal Procedure of 1963 is  
6 amended by adding Section 115-22 as follows:

7 (725 ILCS 5/115-22 new)

8 Sec. 115-22. Discovery depositions in capital cases and  
9 in cases in which the defendant may receive a term of natural  
10 life imprisonment as a consequence of conviction. In capital  
11 cases and in cases in which the defendant may receive a term  
12 of natural life imprisonment as a consequence of conviction,  
13 discovery depositions may be taken in accordance with the  
14 following provisions:

15 (1) A party may take the discovery deposition upon  
16 oral questions of any person disclosed as a witness  
17 pursuant to Supreme Court Rules 412 or 413 with leave of  
18 court upon a showing of good cause. In determining  
19 whether to allow a deposition, the court should consider  
20 the consequences to the party if the deposition is not  
21 allowed, the complexities of the issues involved, the

1 complexity of the testimony of the witness, and the other  
2 opportunities available to the party to discover the  
3 information sought by deposition. However, under no  
4 circumstances may the defendant be deposed.

5 (2) The taking of depositions shall be in accordance  
6 with rules providing for the taking of depositions in  
7 civil cases, and the order for the taking of a deposition  
8 may provide that any designated books, papers, documents  
9 or tangible objects, not privileged, be produced at the  
10 same time and place.

11 (3) Attendance of defendant. A defendant shall have  
12 no right to be physically present at a discovery  
13 deposition.

14 (4) Signing and filing depositions. Supreme Court  
15 Rule 207 shall apply to the signing and filing of  
16 depositions taken pursuant to this Section.

17 (5) Costs. If the defendant is indigent, all costs  
18 of taking depositions shall be paid by the county wherein  
19 the criminal charge is initiated. If the defendant is not  
20 indigent the costs shall be allocated as in civil  
21 cases."